

Serial Number: 09/017.012

Docket Number: 10007344-1

**REMARKS**

Upon entry of this Response, claims 1-24 remain pending in the present patent application. Claims 3, 6, 9, and 12 have been amended. Applicant requests reconsideration of the pending claims in view of the following remarks.

In item 3 of the Office Action, the disclosure is objected to for the informality noted. An appropriate amendment is presented herein to correct the typographical error noted. Accordingly, Applicant requests that the objection to the disclosure be withdrawn.

In item 5 of the Office Action, claims 4-6, 9-12, 14-18, and 20-24 are rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully asserts that one skilled in the art, upon reading the instant specification, is enabled to practice the inventions set forth in claims 4-6, 9-12, 14-18, and 20-24. Specifically, the present disclosure includes discussion of a graphical user interface and specific flow charts that delineate the operation of the invention in a manner that enables the present invention as set forth in these claims. However, if the Examiner disagrees, Applicant will produce an affidavit under Rule 132. Accordingly, Applicant requests that the rejection of claims 4-6, 9-12, 14-18, and 20-24 be withdrawn.

In item 7 of the Office Action, claims 3 and 9 have been rejected under 35 U.S.C. §112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which Applicant regards as the invention. Appropriate amendments have been made to claims 3 and 9, as well as claims 6 and 12 to address the formalities noted. Accordingly, Applicant requests that the rejection of claims 3 and 9 be withdrawn.

In item 9 of the Office Action, claims 1-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,256,650 issued to Cedar et al. (hereafter "Cedar") in view of U.S. Patent 5,918,238 issued to Hayashi, (hereafter "Hayashi"). A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). For the reasons that follow, Applicant respectfully requests that the rejection of claims 1-12 be withdrawn.

To begin, claim 1 provides as follows:

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1. A method for indicating a measure of a text fill copy fitting, comprising:  
detecting a change in a text fill inputted into a text fill box in a computer system;  
measuring a length of the text fill;  
performing a comparison between the length of the text fill with at least one predetermined length threshold; and  
indicating a compatibility of the text fill with an associated text portion of a document based on the comparison, the associated text portion incorporating the text fill.

With respect to claim 1, the Office Action states:

"Hayashi, though, discloses: indicating a compatibility of the text fill with an associated text portion of a document based on the comparison (col. 6, lines 8-12, discussing the use of color to indicate a condition)." (Office Action, page 5).

Applicant respectfully disagrees. Specifically, at col. 6, lines 8-14, inclusive of the portion cited above in the Office Action, Hayashi states:

"To the item "character color", based on the condition shown by the pair of a "condition symbol" and a "condition value" in the same row, a color for changing the character color of a cell having a value satisfying the condition is assigned. The color is described as an RGB definition in the color table. If ";," is described as this value, it is indicated that a default value is applied."

As described above, a color is employed to indicate a condition. However, claim 1 specifically states "indicating a compatibility of the text fill with an associated text portion of a document based on the comparison" as set forth in claim 1 above. The mere fact that a color may be used to indicate a condition does not show or suggest the concept of indicating a compatibility of text fill with an associated portion of a document based upon a comparison between the length of the text fill and a predetermined length threshold as described.

Accordingly, Applicant asserts that the cited combination of Cedar and Hayashi fails to show or suggest each of the elements of claim 1. In addition, Applicant asserts that the same combination of references fails to show or suggest each of the elements of claim 7 to the extent that claim 7 incorporates subject matter similar in scope to that of claim 1. Accordingly, Applicant requests that the rejection of claims 1 and 7 be withdrawn. In addition, Applicant requests that the rejection of claims 2-6 and 8-12 be withdrawn as depending from claims 1 and 7.

In addition, claim 2 recites as follows:

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2. The method of claim 1, wherein the step of performing the comparison further comprises:

providing a first length threshold in a memory of the computer system, the first length threshold marking a length of the text fill above which a copy fitting of the text fill is performed to fit within the associated text portion; and

performing the comparison between the length of the text fill and the first length threshold.

With respect to claim 2, the Office Action states:

"Regarding claim 2, which is dependent upon claim 1, Cedar discloses: Wherein the step of performing the comparison further comprises: Providing a first length threshold in a memory of the computer system, the first length threshold marking a length of the text fill above which a copy fitting of the text fill is performed to fit within the associated text portion; (co. 7, lines 7-24, especially lines 12-13 discussing "5% of the height of the text frame" and col. 5 lines 24-28 regarding character width and the applicability to Cedar) ..."

Applicant respectfully disagree. Cedar fails to show or suggest a first length threshold that marks a length of the text fill above which a copy fitting of the text fill is performed to fit with an associated text portion. In this respect, when the length of the text fill is below the length threshold, then copy fitting is not necessary.

In this respect, at col. 7, lines 7-24 cited in the Office Action, Cedar states:

"The dimensions of the editable text and the text frame are contemplated as including geometric dimensions, such as height, width, and depth. The exemplary embodiment of the present invention focuses on determining an ideal height for the editable text. The ideal height is predetermined in the exemplary embodiment to be 95%-100%, inclusively, of the height of the text frame. Stated another way, the exemplary embodiment determines a fullness ratio, which is defined herein as a ratio of the height of the editable text to the height of the text frame. The height of the editable text is altered until the fullness ratio is within a predetermined range of values. In the exemplary embodiment, the predetermined range of values of 0.95-1.0 inclusively.

For a single line of editable text, the height of the editable text is a function of the height of the characters that make up the editable text. As used herein, the term characters is intended to refer to all linguistic or other communicative signals, such as alpha-numeric characters, that may be created with any well known input device."

As described, Cedar provides for a range of a "fullness" ratio that defines an "ideal" fitting of text to a space in a document. However, there is no threshold

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specified above which copy fitting of the text fill is performed to fit in the associated text portion. Specifically, Cedar contemplates always performing copy fitting to fit text to a document, where a range of optimal fitting is specified.

Accordingly, for these additional reasons, Applicant asserts that the rejection of claim 2 is improper. In addition, Applicant asserts that the rejection of claim 8 is improper to the extent that it incorporates subject matter similar in scope with that of claim 2. Therefore, Applicant requests that the rejection of claims 2 and 8 be withdrawn.

In addition, claim 3 states as follows:

3. The method of claim 1, wherein the step of performing the comparison further comprises:  
providing a length threshold in a memory of the computer system, the length threshold marking a length of the text fill above which the text fill can not be recognizably copy fitted to fit within the associated text portion; and  
performing the comparison between the length of the text fill and the length threshold.

With respect to claim 3 above, the Office Action states:

"Regarding claim 3, which is dependent upon claim 1, Cedar discloses: wherein the step of performing the comparison further comprises: providing a second length threshold in a memory of the computer system, the second length threshold marking a length of the text fill above which the text fill can not be recognizably copy fitted to fit within the associated text portion; (col. 7 lines 7-24, especially lines 12-13 discussing "100% of the height of the text frame" and col. 5 lines 24-28 regarding character width and the applicability to Cedar)...." (Office Action, page 6).

Applicant respectfully disagrees. Specifically, at column 7, lines 7-24 cited above, Cedar specifies an "ideal" height of 95% to 100% for text in a text frame. However, no mention is made of the fact that a height that does not fall within the specified range cannot be recognizably copy fitted within the associated text portion as set forth in claim 3. In this respect, claim 3 specifically states that the length threshold marks the length of the text fill above which the text fill cannot be recognizably copy fitted to fit within the associated text portion. In this respect, the ideal range specified in Cedar is of no relevance to whether or not the text fill can or cannot be recognizably copy fitted to fit a particular text portion as claimed.

Accordingly, for these additional reasons, Applicant respectfully requests that the rejection of claim 3 be withdrawn. In addition, Applicant requests that the

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rejection of claim 9 to the extent that it incorporates subject matter similar in scope with that of claim 3.

In addition, claims 13-24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Cedar in view of U.S. Patent 6,651,217 issued to Kennedy et al. (hereafter "Kennedy") and further in view of Hayashi. A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). For the reasons that follow, Applicant respectfully requests that the rejection of claims 13-24 be withdrawn.

Applicant notes that claim 13 recites subject matter similar in scope with that of claim 1. Consequently, Applicant requests that the rejection of claim 13 be withdrawn for the same reasons as discussed with respect to claim 1 above. In addition, Applicant requests that the rejection of claim 19 be withdrawn to the extent that claim 19 incorporates subject matter similar in scope with that of claim 13. Also, Applicant requests that the rejection of claims 14-18, and 20-24 be withdrawn as depending from claims 13 and 19, respectively.

In addition, claim 15 recites as follows:

15. The method of claim 14, wherein the step of generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises the step of generating a first color code that is associated with the text fill, the first color code indicating that the text fill was not copy fitted during the layout operation in the server.

With respect to claim 15, the Office Action states:

"Hayashi, though, discloses: wherein the step of generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises the step of generating a first color code that is associated with the text fill, the first color code indicating that the text fill was not copy fitted during the layout operation in the server. (The first row of Fig. 2 table showing the use of color [especially cell area or background color] to indicate a condition less than a threshold [or condition] value)." (Office Action, page 18).

Applicant respectfully disagrees. Specifically, claim 15 states that a first color code that is associated with the text fill is generated, where the first color code indicates that the text fill is not copy fitted during the layout operation in the server.

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To the extent that Hayashi merely discloses colors that indicate conditions, Hayashi fails to show or suggest a color code that indicates that the text fill was not copy fitted during the layout operation in the server. Accordingly, Applicant asserts that the cited combination of references fails to show or suggest each of the elements of claim 15. Therefore, Applicant respectfully requests that the rejection of claim 15 be withdrawn. In addition, Applicant requests that the rejection of claim 21 be withdrawn to the extent that claim 21 incorporates subject matter similar in scope with that of claim 15.

In addition, with respect to claims 16, 17, and 18, each of these claims indicates a color coding that indicates whether a text fill was recognizably copy fitted during a layout operation in a server, whether the text fill was unrecognizably copy fitted during the layout operation in the server, or indicating a predefined measure of a recognizable copy fitting of the text fill itself. In this respect, the rejection of each of these claims points to Hayashi that identifies various colors associated with conditions. However, the specific conditions delineating in claim 16, 17, and 18 are not shown or suggested by Hayashi. Applicant asserts that the mere assertion that colors may indicate various conditions as set forth by Hayashi as claimed by the Office Action fails to show or suggest indicating the specific circumstances as set forth in claims 16, 17, and 18.

Accordingly, for these additional reasons, Applicant requests that the rejection of claims 16, 17, and 18 be withdrawn. In addition, to the extent that claims 22, 23, and 24 incorporate subject matter similar in scope with that of claims 16, 17, and 18, Applicant request that the rejection of these claims be withdrawn.

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Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,



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